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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,105	04/11/2001	Mark T. Corl	2916-0131P	1067

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EXAMINER

HSIA, SHERRIE Y

ART UNIT PAPER NUMBER

2614

DATE MAILED: 03/26/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,105

Applicant(s)

CORL ET AL.

Examiner

Sherrie Hsia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8, 23-26 and 32-35 is/are rejected.
- 7) ☒ Claim(s) 6, 9-22, 27-31 and 36-40 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: On page 5, lines 20 and 23, page 6 line 29, "414". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to because Fig. 8 is not described in the detailed description of the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:
On page 5, line 17, "400", second occurrence, should be --402--;
Line 19, "408" should be --402--.
On page 6, line 28, "404" should be --402--.
Appropriate correction is required.

Claim Objections

4. Claims 27, 29-31, 36 and 38-40 are objected to because of the following informalities:

In claims 27 and 29-31, it seems that the dependency is incorrect. "23" should be changed to --26-- in order to provide proper antecedent basis for the claimed subject matter.

In claims 36 and 38-40, it seems that the dependency is incorrect. "32" should be changed to --35-- in order to provide proper antecedent basis for the claimed subject matter.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 7, 8, 23-26 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deparis (4630266) in view of Laakso (6456605).

As to claims 1, 23 and 32, Deparis discloses the claimed subject matter, the claimed video display device is met by the display arrangement 5 (Fig. 2, column 4 lines 12-13) and the

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claimed controller to receive a DTV signal in the form of a stream of packets is met by the control unit 4 (Fig.2, column 2 lines 30-33, column 4 lines 16-41, column 8 lines 22-62).

Deparis does not show the graphical depiction on the VDD of a plurality of individual packets representing the stream. However, using graphical depiction for the packets are well known in the art, for example, Laakso show the packets formed by small blocks. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify Deparis by displaying the number of the packets in graphical form such as taught by Laakso in order to easily visualize the packets on the screen.

As to claim 2, the processor running software is disclosed by Deparis (column 4 lines 40-41).

As to claims 3 and 33, the claimed DTV circuitry is met by decoder 2₁-2₂₀ and sensor 3₁-3₂₀ (Figs. 2 and 3, and column 4 line 27-column 8 line 21).

As to claims 4 and 25, the claimed antenna is inherently disclosed by Deparis (column 1 lines 25-28).

As to claims 5, 24 and 34, the claimed recording circuitry is met by memory (column 4 lines 30-31).

As to claims 7, 8, 26 and 35, Deparis does not show a matrix of geometric shapes representing packets. However, using graphical depiction (matrix of geometric shapes-square) for the packets are well known in the art, for example, Laakso show the packets formed by a matrix of squares. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify Deparis by displaying the number of the packets in such well known graphical form as taught by Laakso in order to easily visualize the packets on the screen.

Allowable Subject Matter

7. Claims 6, 9-22, 27-31 and 36-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McAuliffe (6421805) discloses a rogue packet detection having packets represented by squares.

Van den Branden Lambrecht (6057882) shows a testing architecture for digital video transmission system.

Goudezeune discloses method and system for measuring the quality of digital television signals.

Chen (6188674) shows a method and apparatus for packet loss measurement in packet networks.

Woodhead (5640388) discloses a method and apparatus for removing jitter and correcting timestamps in a packet stream.

JP 10-42258 discloses an audio and video data communication method for low-speed terminal.

Swildens shows a user device and system for traffic management and content distribution over a world wide area network.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrie Hsia whose telephone number is (703) 305-4738.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.


Sherrie Hsia
Primary Examiner
Art Unit 2614

SH
March 22, 2004